

YO9-99-390

09/407,434

00280573aa

Amendment dated 9/25/2003

Reply to office action mailed 06/25/2003

### REMARKS

Claims 1- 6, and 8-10 are currently pending in the application. By this amendment, claims 1, 2, 8 and 9 are amended and claims 11-20 are added for the Examiner's consideration. The foregoing separate sheets marked as "Listing of Claims" shows all the claims in the application, with an indication of the current status of each.

The Examiner's withdrawal of the finality of the rejection, and the rejections based upon Franklin and Birkhead, is acknowledged with appreciation.

The Examiner's current rejections return to the Solomon reference, and so this paper will focus on these new grounds for rejection. The present invention provides for "human-computer interfaces on both sides" of the negotiation (page 6, lines 13-14). The Examiner makes a persuasive argument that the term "profile" in the claims can be applied to the customer (and, indeed, the merchant) in their negotiation roles without the benefit of the computer implementation described in the specification.

The present invention concerns computer implementation, which provides an improvement usable to those unskilled at negotiation as well as to those who are sufficiently skilled that they are able to store and process gathered information in their heads. Fig. 1 shows the automated decision support system of the invention, as summarized at page 7, lines 12-16. It is clear that the term "decision support system" is known in the art to refer to a computerized support system.

In order to make the automated character of the invention clear, the amendments to the claims in this paper are of two sorts. First, the existing claims are amended to clarify the invention is comprised of automated elements. Second, an additional set of claims is provided in which the claim elements are expressed explicitly in terms of "computer code."

It will be helpful to repeat from applicant's prior paper how the invention operates. First, the profiles are generated off-line based on past history, as shown by

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item 201 in Fig. 2 and Fig. 3. Second, assignment of a static customer profile to a new customer is based on the static customer profiles, as shown by item 204 in Fig. 2 and Fig. 3. Third, there is a symmetry contemplated by the invention between the e-commerce site's side and the customer's side (see page 12, lines 20-22, and page 6, lines 5-12), as now provided in the claims. Fourth, there is a connection between the initial static profile and changes to that profile based on observed behavior during negotiations: the changes made during negotiation are what make the profile dynamic (see page 4, lines 24-27 and page 5, lines 20-27). The parallel construction of the e-commerce site side and the customer side with respect to the dynamic character of the respective profiles is to be noted, again reflecting page 12, lines 20-22. It is important to emphasize that the mechanism of the present invention, as claimed, provides for bilateral updating of the respective profiles during negotiation based on respective behaviors observed during negotiation.

The foregoing amendments to the claims clarify the automated character of the invention, and are responsive to the Examiner's rejections of claims 1-3 based on Solomon. Since claims 4-6 and 8-10 depend from claim 1, which is now believed to be in allowable form for the reasons described above, the further rejections based on Solomon with other art are also overcome. New claims 11-20 track claims 1 and those dependent thereon, with claims 11 and 20 being independent, and are believed to be in allowable form.

In view of the foregoing, it is requested that the application be reconsidered, that claims 1-6 and 8-20 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 (fax: 703-787-7557; email: clyde@wcc-ip.com) to discuss any other changes deemed necessary in a telephonic or personal interview.

If a further extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time.



-12-

YO9-99-390  
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Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account 09-0441 (IBM-Almaden).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Clyde R. Christofferson".

**RECEIVED**

SEP 29 2003

**GROUP 3600**

Clyde R Christofferson  
Reg. No. 34,138

Whitham, Curtis & Christofferson, P.C.  
11491 Sunset Hills Road, Suite 340  
Reston, VA 20190  
703-787-9400  
703-787-7557 (fax)

**Customer No. 30743**